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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,043

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Teruhisa Miura

2005-1943A / P38602-01

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EXAMINER

THOMAS, ERIC W

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,043	Applicant(s) MIURA ET AL.	
	Examiner Eric Thomas	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-12,23-38,41 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-16,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 17-20,39 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of group II in the reply filed on 12/27/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

1. Claims 13, 16, 18, 20-22, and 39-40 are objected to because of the following informalities:

Claim 13, line 2, delete "a pair of".

Claim 13, line 9, the limitation, "a first electrode of the capacitor element" is confusing. Is this the anode or cathode?

Claim 13, lines 11-12, the limitation, "a second electrode of the capacitor element" is confusing. Is this the anode or cathode?

Claim 13, lines 13-14, delete ", to which the second electrode of the capacitor element is coupled,"

Claim 13, lines 16-17, delete "as they are"

Claim 13, line 17, change "to be" to --that is--.

Claim 16, line 3, delete "generally"

Claim 18, lines 3-4, the limitation, "is provided to the electrodes of the capacitor element" is confusing.

Claim 20, lines 2-3, the limitation, "the surface of the terminal plate is tapered to form a coupling section to be caulked" is confusing.

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Claims 21 & 39, lines 1-2, the limitation, "a capacitor element which has a polarized electrode layer" is confusing. Is this in addition to the one already claimed?

Claims 21 & 39, lines 2-3, the limitation, "structures electrodes" is confusing.

Claims 21 & 39, line 3, the limitation, "a current collecting unit" is confusing. Is this in addition to the current collecting unit already claimed in claim 13?

Claims 21, & 39, line 4, delete "a pair".

Claims 21 & 39, line 7, the limitation, "a separator intervenes between the pair of electrodes" is confusing. Is this in addition to the separator already claimed in claim 13?

Claim 22, & 40, lines 1-2, the limitation, "a capacitor element which has a polarized electrode layer" is confusing. Is this in addition to the one already claimed?

Claim 22, & 40, line 3, the limitation, "structures electrodes" is confusing.

Claims 22 & 40, line 3, the limitation, ""a current collecting unit" is confusing. Is this in addition to the current collecting unit already claimed in claim 13?

Claims 22 & 40, line 3, delete "a pair".

Claims 22 & 40, line 6, the limitation, "a separator intervenes between the pair of electrodes" is confusing. Is this in addition to the separator already claimed in claim 13?

Appropriate correction is required.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13, 15-16, 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Miura et al. (US 2006/0034036).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

FIG. 11

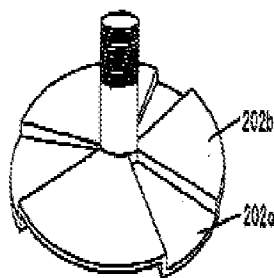
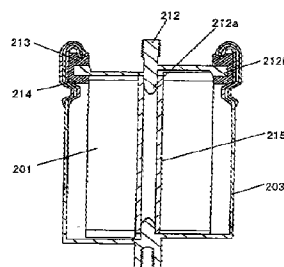


FIG. 14



Miura et al. disclose in fig. 11, 14, a capacitor comprising: a capacitor element (201) including a pair of an anode and a cathode in an polarized electrode layer formed on a current collecting unit made of metal foil, a separator intervening between the anode and the cathode, wherein the anode and the cathode are rolled together with the separator, so that the capacitor element is formed such that it includes a hollow section and the anode and the cathode are oriented in opposite directions a cylindrical metal housing with a bottom enclosing the capacitor element and driving electrolyte, wherein a first electrode of the capacitor element is coupled to an inner face of the bottom; and a terminal plate (202, 212), of which inner face is coupled to a second electrode of the capacitor element, for sealing an opening of the metal housing, wherein the inner face, to which the second electrode of the capacitor element is coupled, of the terminal plate is referred to as a reference plane and the reference plane is protruded toward a surface side leaving a plurality of belt-like coupling sections (202a) which lie from a rim toward a center of the terminal plate as they are, and the terminal plate has a protrusion to be fitted into the hollow section of the capacitor element (212 a) and the terminal plate also has a terminal (212) at a center of its surface for outer connection, so that the first electrode of the capacitor element is brought out through the metal housing and the second electrode is brought out through the terminal of the terminal plate.

Regarding claim 15, Miura et al. disclose the terminal plate has a step at a rim of the surface for firmly receiving a sealing rubber.

Regarding claim 16, Miura et al. disclose the terminal plate has an annular step at the rim of the surface, and the step includes an annular protrusion generally at its center.

Regarding claim 21, Miura et al. disclose a capacitor element which has a polarized electrode layer, which structures electrodes, formed on a current collecting unit leaving the current collecting unit in part exposed on one end of the current collecting unit; wherein a pair of the anode and the cathode in the polarized electrode layer are arranged such that the exposed section of the current collecting unit is oriented in opposite directions to each other, and a separator intervenes between the pair of electrodes, and the pair of electrodes together with the separator are rolled for forming the capacitor element (see fig 6a-6b).

Regarding claim 22, Miura et al. disclose a capacitor element which has a polarized electrode layer, which structures electrodes, formed overall a current collecting unit, wherein a pair of the anode and the cathode in the polarized electrode layer are shifted in opposite directions from each other and protrude their ends respectively in opposite directions, and a separator intervenes between the pair of electrodes, and the pair of electrodes together with the separator are rolled for forming the capacitor element.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being obvious over Miura et al. (US 2006/0034036).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer

in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Miura et al. disclose the claimed invention except that the terminal is provided at the center of the surface of the terminal plate for outer connection comprises an internal tread.

Miura et al. teach the use of a terminal plate having an outer connection with an internal tread (see fig. 1, 3-5, and 7).

It would have been an obvious matter of design choice to form the outer connection of the embodiment of fig. 11, 14 with a terminal plate having an outer connection with an internal tread, since such a modification would have involved a mere change in the shape of a component., a change of shape is generally recognized as being within the level of ordinary skill in the art. *Span-Deck Inc. V. FabCon, Inc.*, 215 USPQ 835.

Allowable Subject Matter

2. Claims 17-20, 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or suggest (in combination with the other claim limitations) a capacitor wherein the terminal plate has a rotation stopper (claim 17); a capacitor wherein the terminal plate includes a safety valve mounting hole (claim 18); a

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capacitor wherein the terminal plate includes an annular rising section at a rim of the surface (claims 19, 39-40); and a capacitor wherein a tip of the terminal for outer connection provided at the center of the surface of the terminal plate is tapered to form a coupling section to be caulked (claim 20)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2003/0128500 – electric double layer capacitor

US 7,016,178 – capacitor housing

US 6,282,081 – electric double layer capacitor

US 4,208,699 – capacitor housing

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Thomas whose telephone number is 571-272-1985. The examiner can normally be reached on Monday - Friday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

et

/Eric Thomas/
Primary Examiner, Art Unit 2831